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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,622	03/19/2002	Alain Durand	PT990063	5517

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THOMSON LICENSING INC.  
PATENT OPERATIONS  
PO BOX 5312  
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EXAMINER
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SHIFERAW, ELENI A

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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12/18/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/088,622

Applicant(s)

DURAND ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

2136

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 29 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered ~~and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1 and 6-11.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**


11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argument regarding the key code and portable identification number sent by the portable device according to reference D'Amico are entirely distinguishable from the PIN of the network recited in the present claims and/or PIN code is used for all devices of the network, because the PIN code, in the present claim, IS A CODE THAT IS VALID FOR THE ENTIRE NETWORK, not persuasive because it is not claimed as argued. PIN code being a code that is valid for the entire network and/or PIN code is used for all devices of the network, IS DIFFERENT from "PIN code becoming a PIN code of new/existing network". Moreover, applicant was notified, on the Office Action mailed 09/28/2006 page 2 paragraph 2 line 12, that "PIN code of the network is not claimed as argued". Moreover, the PIN code and portable identification number of D'Amico becomes the PIN code of the new/existing network see, col. 3 lines 40-col. 4 lines 25, and col. 4 lines 48-68 wherein D'Amico's subscriber is identified throughout the new/existing network by subscriber/portable identification number i.e. the device/identifier becomes subscribed in that registering network and NEW SECRET KEY CODE is provided to user based on user entered secret key code that is used to encrypt/decrypt communication. Reference Turunen also discloses registering a mobile host 9 of corporate LAN3 in a new cellular telephone network/GSM/LAN (see, col. 5 lines 42-54) comprising: user requesting registration and new network transmitting unique authentication key based on request to identified user mobile host 9, and the received authentication key by user mobile host 9 becoming authentication key of the new network (see col. 5 lines 49-col. 6 lines 68). Applicant is again notified that the PIN code of the network is not clearly claimed as argued, because of above reasons.

Regarding argument D'Amico and Turunen failure to disclose the step of asking a user through a user interface whether he wants to install a new network or install the device on an existing network, argument is not persuasive. D'Amico et al. discloses a method for registration of a portable unit on an existing network utilized in a communication system that comprises a network controller, having a database for storing portable identification numbers, a base station, and a portable unit, wherein the subscriber communicates to the network controller. The registration step comprises exchanging link identification number for over-the-air registration and the portable identification number. The network controller determines whether the portable identification number is in the network controller database and transmit registration signal to the mobile device see, abstract, and claim 1. Turunen discloses a method of registering a mobile device in a new GSM cellular telephone network see, fig. 3 and the method comprising sending a security key from the remote station to mobile device to secure subsequent data transmission see claim 1.

Regarding argument Turunen does not teach a method for installing a new network because installing a new network, according to the invention, refers to A PROCESS WHEREIN THE DEVICE SETS UP A NEW NETWORK, argument is not convincing. Because, Turunen's mobile host 9 is also describing a setting up process for new network registration (see col. 5 lines 42-col. 6 lines 50). In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). And sufficient motivations to combine the references are provided.

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12, 11, 06